

SENATOR LAMB: Thank you, Mr. President, members, now in the committee amendments, if you'd like to follow along, it reads: Enforcement of this section by state or local enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation. Detained, whether or not there is a violation, you can be caught for not wearing a seat belt and so there is nothing as I see it that would keep a law enforcement officer from a suspected violation is something that may not exist, that he thinks maybe you don't have your driver's license, as Senator Chambers mentioned, or some other suspected, suspected violation is not really good enough, in my opinion. So I would like to change that so it reads like this: Shall be accomplished only as a secondary action when a driver of a motor vehicle has been issued a citation for or charged with a violation or some other offense. In other words, he has to have done something wrong, not just be suspected of doing something wrong. I don't know if I've made myself clear, but under the committee amendment all that has to be for the arresting officer to charge a person for not wearing a seat belt is that if he pulls him over for a suspected violation. Well, that's in the mind of the arresting officer. What I am saying that he cannot be...he is not in violation as far as the seat belt law is concerned unless this person is issued a citation for a violation or charged with a violation. It's not enough just to be suspected. I hope you would add that language there so there would be some clarification as to who can be pulled over for a seat belt violation.

SPEAKER BAACK: Thank you, Senator Lamb. Senator Hall, you did not wish...did you want to address this amendment?

SENATOR HALL: No.

SPEAKER BAACK: Senator Lynch. Senator Landis. Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, Senator Lamb has a very good amendment and it does deal with an issue and, in fact, I had put an amendment up that would do the same thing so if his is adopted, I can withdraw mine and it is essential if this is really supposed to be an infraction that will be chargeable to a person only if there is an underlying offense. Now, Senator Horgan, are you still in the Chamber?